United Nations A/58/PV.95

General Assembly

Fifty-eighth session

Official Records

95th plenary meeting
Monday, 13 September 2004, 10 a.m.
New York

President: The Hon. Julian R. Hunte ..... (Saint Lucia)

The meeting was called to order at 3.25 p.m.

Expression of sympathy in connection with the recent hurricanes

The President: I should like, on behalf of all the members of the General Assembly, to extend our deepest sympathy to the Governments and the peoples of all the countries that have suffered tragic loss of life and extensive material damage resulting from the recent hurricanes, especially those in the Caribbean: the Cayman Islands, Cuba, Grenada and Jamaica. May I also express the hope that the international community will show its solidarity and respond promptly and generously — and I urge it to do so — to any request for help from these countries. I have myself been in touch with the Secretary-General, who is equally concerned about the situation in these countries.

I now call on the representative of Jamaica.

Mr. Neil (Jamaica): Thank you very much, Mr. President, for your words of solidarity and support in connection with the devastation that was caused by Hurricane Ivan on Jamaica over the weekend. It was a very anxious time for us, but I have to say that to some extent we were spared the worst by some movement in the direction of the hurricane, which resulted in less damage than we had feared. We were very saddened by what happened in Grenada, which, unfortunately, took a direct hit. A trail of devastation was left in the wake of that event.

As for Jamaica, we are in the process of picking up the pieces. Because of the disruption in communications, we are not yet in a position to establish the full extent of the damage. So far, 15 deaths have been reported, and there has been considerable damage to agriculture, infrastructure and the housing stock in the country. We are trying to cope, and we are already receiving some assistance. The Office for the Coordination of Humanitarian Affairs has already sent a team, and we are most grateful for the alert attention from the United Nations in seeking to assist us in recovering from the damage that has been caused. We also appreciate the very kind words of sympathy and solidarity that have been expressed by numerous countries, as well as their offers of assistance. We are very thankful for all of that. As I said before, Mr. President, we are also very thankful for your own words and for the expressions today in the General Assembly.

The President: I give the floor to the representative of Cuba.

Mr. Requeijo Gual (Cuba) (*spoke in Spanish*): On behalf of my Government and the people of Cuba, I wish to thank you, Mr. President, for the constant demonstrations of solidarity that my delegation has been receiving in recent days following the passage of Hurricane Charley exactly a month ago and in the light of the threat we face today in Cuba with the imminent passage of Hurricane Ivan this evening. I can inform the Assembly that 1.6 million people have been

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evacuated thus far in Cuba to try to, above all, save human lives.

I wish to join others in expressing support for our Caribbean brothers who have experienced a truly catastrophic situation, as in the case of Grenada — mentioned by that nation's ambassador last week — and our firm solidarity with the people of Jamaica, who have also been affected by Hurricane Ivan. Therefore, we support and join your appeal, Mr. President, that the necessary large-scale assistance be urgently provided to the brotherly countries that have endured this situation.

Agenda item 56 (*continued*)

Question of equitable representation on and increase in the membership of the Security Council and related matters

Report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council (A/58/47)

Draft decision (A/58/47, para. 30)

The President: Members will recall that the General Assembly held a debate on this item at its 30th, 31st, 35th and 36th plenary meetings, on 14, 16 and 17 October 2003.

I now give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): The report of the Open-ended Working Group on Security Council reform (A/58/47) before the Assembly today looks quite different from those that this body has adopted in the past. That is a clear reflection of the fact that, under your guidance, Mr. President, the Working Group did not choose to engage in business as usual but rather opted for a novel approach in order to lead the discussion out of what in the past had been widely considered a stalemate. The Working Group was thus able to significantly shorten its meeting time while simultaneously holding substantive and focused discussions on a number of core topics that the Group had previously agreed were of essential importance in connection with Security Council reform in all its aspects. The Group also held a very useful exchange with members of the Security Council on those topics.

Mr. President, it was a great pleasure and honour for me to serve as your Vice-Chairman on this Working Group and to work together with Ambassador Gallegos of Ecuador and your own team on this topic, which is as intractable as it is fascinating and important. The smooth proceedings of the Group's work and the outcome before us today attest to your wisdom in not trying to push for a solution to this complex problem during this year's session.

When we first began our consultations on Security Council reform, it became clear quite quickly that most Member States were not of the opinion that 2004 was the appropriate year in which to achieve the reform effort that has occupied the Assembly for more than 10 years now. You therefore chose, Mr. President, to engage the Working Group in a constructive dialogue whose outcome can make a meaningful contribution to a future agreement and decision to be made by the Assembly. Your approach found widespread support, as the very lively and constructive discussions in the Working Group illustrated.

The momentum with regard to Security Council reform has increased considerably since the Working Group wrapped up its work, and there is quite a bit of expectation that the year 2005 — which will be rich in important conferences and events — will also witness reform of the Security Council in all its aspects. Liechtenstein strongly supports Security Council reform and is of the view that it must cover all aspects of that complex topic. There is general agreement that the Council must be more representative, and thus enlarged, if it is to truly represent the international community as a whole in a credible manner in the future.

At the same time, we must bear in mind that the questions of the Council's legitimacy and its accountability to the United Nations membership as a whole depend to a large extent on measures other than enlargement only. The role and the significance of the Council have grown dramatically over the past 10 to 15 years, and to many observers its decisions and actions represent the work of the Organization as a whole. That is why all States — large or small, and whether or not they have ambitions to serve on the Council — have a special responsibility in that respect.

In conclusion, I would like to thank all delegations that contributed actively and constructively to the work of the Open-ended Working Group. In particular, I would like to thank you, Mr. President, for the faith and confidence you have placed in me.

The President: I thank the representative of Liechtenstein not only for his statement, but also for the tremendous contribution he made as one of the Vice-Chairs of the Open-ended Working Group.

I now give the floor to the representative of Ecuador.

Mr. Gallegos Chiriboga (Ecuador) (*spoke in Spanish*): The United Nations is preparing to take up an ambitious agenda in 2005 that we hope will guide the Organization's activities in the near future, meeting the challenges placed before it by the international community. I believe that the exercise completed and the achievements accomplished during this session by the Open-ended Working Group on Security Council reform are a first step towards the events that will likely take place in the next session and in 2005.

The contribution in the contents of the report of the Open-ended Working Group on Security Council reform of the fifty-eighth session (A/58/47) abundantly reflects the leadership shown by the President of the Assembly in guiding the Group's work. The scope and transparency with which he led the informal and formal consultations were shown in the results, despite the difficulties intrinsic to the topic. I would like to thank the President of the General Assembly for the trust he placed in me, enabling me to serve as Vice-Chairperson and facilitator for this topic.

For the Permanent Mission of Ecuador, it has been an honour to cooperate in the effort to seek better and more democratic representation on the Security Council. Personally and professionally speaking, the experience has been interesting, although I must confess that it was a complex task: it was difficult to identify — and especially to find agreement on — positions that would promote Security Council reform and would address the specific issues involved in that reform.

I would also like to thank my colleague, Christian Wenaweser, Permanent Representative of Liechtenstein, whose contributions have always been of great value. I wish also to thank the team that worked with you, Mr. President; it was vital for the success of this effort.

Ecuador is convinced that we need to further democratize the Security Council, which will give the Council ever-greater legitimacy. Only in that way can we substantially improve our progress in the area of peace and security. The Security Council is one of the main focuses of the reform process, but the process must also include reform of the entire international machinery, so that the international community can take up the challenges that history has placed before it.

The President: I thank the representative of Ecuador for his contribution to the Open-ended Working Group as one of its Vice-Chairpersons.

The Assembly will now take a decision on the draft decision contained in paragraph 30 of the report (A/58/47) of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council. May I take it that the Assembly wishes to adopt the draft decision?

The draft decision was adopted (decision 58/572).

The President: I should like to formally express my sincere thanks to Ambassador Chiriboga of Ecuador and Ambassador Wenaweser of Liechtenstein, the two Vice-Chairpersons of the Open-ended Working Group, who so ably conducted the discussions and complex negotiations of the Working Group. I am sure members of the Assembly join me in extending to them our sincere appreciation, and I invite them to offer a round of applause to them.

May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 56?

It was so decided.

Agenda item 8 (*continued*)

Organization of work, adoption of the agenda and allocation of items

The President: Members will recall that at its 2nd plenary meeting, on 19 September 2003, the General Assembly decided to allocate agenda item 154 to the Sixth Committee. In order for the Assembly to proceed expeditiously with the consideration of the draft resolution contained in document A/58/L.68, may

I take it that the General Assembly wishes to consider agenda item 154 directly in plenary?

It was so decided.

The President: May I further take it that the Assembly wishes to proceed immediately to the consideration of agenda item 154? I see no objection.

It was so decided.

Agenda item 154

International Criminal Court (*continued*)

Note by the Secretary-General (A/58/874 and Add.1)

Draft resolution (A/58/L.68)

The President: I give the floor to the representative of the Netherlands to introduce draft resolution A/58/L.68.

Mr. van den Berg (Netherlands): The Netherlands, as the host country of the International Criminal Court (ICC), has been requested by the Bureau of the Assembly of States Parties to the Rome Statute of the ICC to prepare a technical draft resolution on the approval of the draft relationship agreement between the United Nations and the ICC. As members may recall, the Assembly, in its resolution 58/79 of 9 December 2003, invited the Secretary-General to take steps to conclude a relationship agreement between the United Nations and the International Criminal Court. A negotiated draft relationship agreement, the text of which appears in the annex to document A/58/874, was initialled on 7 June at The Hague. In the draft resolution, it is asserted, as it was suggested to my delegation that it should be, that the provision of services, facilities, cooperation and any other support to ICC will not have budgetary consequences for the United Nations, as expenses will be paid to the United Nations.

As reported in the addendum to the note of the Secretary-General (A/58/874/Add.1), the draft relationship agreement was approved by the Assembly of States Parties to the Rome Statute on 7 September 2004 at The Hague. The approval was effected by consensus. After consulting with interested parties, my delegation is convinced that the draft resolution A/58/L.68 reflects the Assembly's wishes. We therefore recommend that the General Assembly adopt the draft resolution without a vote, thereby approving the draft relationship agreement between the United Nations and the International Criminal Court. That act will constitute a practical step in furthering the international rule of law.

The President: We shall now proceed to consider draft resolution A/58/L.68.

I give the floor to the representative of the Secretariat.

Mr. Chen (Under-Secretary-General for General Assembly and Conference Management): On the occasion of the consideration of draft resolution A/58/L.68, I have the honour to state the following on behalf of the Secretariat regarding the draft relationship agreement between the United Nations and the International Criminal Court (ICC), the text of which contained in the annex to the note by the Secretary-General (A/58/874). Pursuant to article 23,

> "The present Agreement shall be approved by the General Assembly of the United Nations and by the Assembly [of States Parties to the Rome Statute of the International Criminal Court] in accordance with article 2 of the Statute. ... The Agreement shall thereafter enter into force upon signature."

By a resolution dated 7 September 2004, the Assembly of States Parties approved the draft relationship agreement. In the event of an approval of the draft relationship agreement by the General Assembly, it would then be signed by the Secretary-General and the President of the International Criminal Court. In accordance with the testimonial, the signing would be done in two copies in all the six official languages of the United Nations and the International Criminal Court, of which the English and French texts shall be authentic.

Paragraph 3 of article 4 of the draft relationship agreement sets out that

> "Whenever the Security Council considers matters related to the activities of the Court, the President of the Court ('the President') or the Prosecutor of the Court ('the Prosecutor') may address the Council, at its invitation, in order to give assistance with regard to matters within the jurisdiction of the Court".

With regard to that provision, I note that the President or the Prosecutor of the Court may address the Security Council only if and when invited by the Council to do so. Article 4, paragraph 3, does not confer any automatic right to address the Security Council and does not, in any way, modify the provisional rules of procedure of the Council.

In connection with the International Criminal Court's observer status in the General Assembly, paragraph 2 of article 4 of the draft relationship agreement provides, inter alia, that "The Court may attend and participate in the work of the General Assembly of the United Nations in the capacity of observer".

With regard to that provision, I note that, in accordance with precedents relating to relationship agreements of that kind, the General Assembly is free, if it so desires, to grant observer status through approving the relationship agreement, rather than through adopting a separate resolution on the issue of granting observer status.

I would now like to refer to the programme budget implications of draft resolution A/58/L.68. Under the terms of paragraph 3 of that draft resolution, the General Assembly would decide that all expenses resulting from the provision of services, facilities, cooperation and any other support rendered to the International Criminal Court or the Assembly of States Parties, including any arrangements that may be otherwise agreed under article 10 of the Relationship Agreement between the United Nations and the International Criminal Court that may accrue to the United Nations as a result of the implementation of the Relationship Agreement, shall be paid in full to the Organization. Therefore, should the General Assembly adopt draft resolution A/58/L.68, no additional appropriation would be required, in view of the fact that all expenses relating to the services, facilities, cooperation and any other support provided by the United Nations to the International Criminal Court would be on a reimbursable basis.

The President: Before calling on speakers in explanation of position before action is taken on the draft resolution, may I remind delegations that explanations of vote or position are limited to 10 minutes and should be made by delegations from their seats.

Mr. Rosand (United States of America): The reasons for the United States opposition to the Rome Statute as finally adopted are well known. Allow me to restate the fundamental points today.

First, however, let me reiterate that the United States respects the right of States to become parties to the Rome Statute. At the same time, we expect similar respect for our decision not to become a party to the Rome Statute. We also wish to highlight relevant restrictions imposed by our domestic law, especially the American Service-Members' Protection Act, which severely restricts United States interaction with the International Criminal Court (ICC).

Our position has three principal parts. First, the United States is concerned about the potential of politically motivated prosecutions against elected United States leaders, service members and other citizens. Examples of investigations or prosecutions based on a political agenda, not on evidence and neutral prosecutorial judgement, abound. The structure of the ICC makes such unacceptable proceedings possible. A prosecutor's office housed in a democratically responsible political branch of government perforce is democratically accountable in a system of checks and balances. The ICC does not have similar political accountability.

Secondly, the ICC has problems in the related areas of jurisdiction and due process. The power of this international tribunal is independent of consent. While sovereigns have the right to try non-citizens who have committed offences against their citizens or on their territory, the United States has never recognized the right of an international organization created by treaty to do so absent consent or a Security Council mandate and Security Council oversight. In addition, the Rome Statute raises, but does not satisfactorily address, due process concerns. Those include issues of multiple jeopardy, definitions of crimes and problems of evidence and testimony when the Court has to harmonize various legal systems and languages.

Finally, the Rome Statute dilutes the authority of the Security Council and departs from the system that the framers of the United Nations Charter envisaged. For instance, the Assembly of States Parties is wrestling with the definition of aggression, a matter left to the Security Council by the Charter. The ICC is not part of the Charter system, and the adoption of draft resolution A/58/L.68 will not change that fact.

The ICC and the United Nations are, as the Rome Statute and the draft relationship agreement state, independent of one another. We should not lose sight of the Court's independent status as the agreement is implemented.

In that regard, the United States is pleased that the draft resolution makes explicit that the established precedent of cost-neutral arrangements between the United Nations and other international organizations will be adhered to with regard to the ICC. Member States will not be financially responsible for the costs incurred to the United Nations for services, facilities, cooperation, assistance or any other support provided to non-United Nations bodies. We expect the parties to the agreement to hold to the explicit language in the draft agreement that support will be provided on a reimbursable basis, and we expect any arrangement between the two bodies to conform to that principle.

Furthermore, we are pleased by assurances that the draft agreement has no consequences under rule 153 of the General Assembly's rules of procedure, which otherwise requires the Secretariat to issue a programme budget impact whenever a draft resolution under discussion gives rise to financial implications. Rule 153 says that

> "No resolution in respect of which expenditures are anticipated by the Secretary-General shall be voted by the General Assembly until the Administrative and Budgetary Committee (Fifth Committee) has had an opportunity of stating the effect of the proposal upon the budget estimates of the United Nations." (*A/520/Rev.15, p. 33*)

We are sure that the Secretariat has not produced a programme budget implication for this draft resolution because there are no expenditures attached to it.

Because of our long-standing concerns about the ICC, some of which I articulated today, the United States cannot join the consensus on the draft resolution under consideration. Nonetheless, I want to reiterate the commitment of the United States to accountability for war crimes, genocide and crimes against humanity. The United States has a record that is second to none in holding its own officials and citizens accountable for such crimes, as well as for supporting properly constituted international war crimes tribunals, from Nuremberg to the International Criminal Tribunals for the former Yugoslavia and Rwanda. Properly understood, therefore, our decision not to support the ICC reflects our commitment to the rule of law, not our opposition to it.

Mr. Zhang Yishan (China) (*spoke in Chinese*): At the outset, I wish to congratulate the Secretary-General and his representative on completing, together with the representative of the International Criminal Court, the draft relationship agreement between the United Nations and the International Criminal Court, as requested by resolution 58/79. I also wish to thank Under-Secretary-General Jian Chen for his explanations regarding a number of issues related to the draft agreement.

China has always understood the need for and supported the establishment of an independent, fair, effective and universal International Criminal Court. It expects the Court, as an important international judicial institution, to play its due role in building the international rule of law. We will be happy to see the cooperation between the International Criminal Court and the United Nations facilitated and strengthened as a result of the formulation of the agreement. However, we feel that the explanation provided by the Under-Secretary-General has not fully satisfied our concerns on this occasion and would like to reiterate once again China's views on a number of problems that remain in the draft agreement.

With respect to authentic texts of the agreement, the Chinese delegation believes that, as a rule, all official documents of the United Nations are to be distributed simultaneously in the six official languages and that texts in the six languages enjoy equal status. Since the draft agreement stipulates that it has been prepared in the six official languages — Arabic, Chinese, English, French, Russian and Spanish — the texts in those languages should be treated on an equal footing as authentic texts of the agreement.

With regard to the observer status of the International Criminal Court in the General Assembly, the Chinese delegation believes that it is up to the Assembly itself to consider and decide whether observer status is to be granted to a country or to an intergovernmental organization, pursuant to the criteria laid out in General Assembly decision 49/426. Granting observer status by agreement directly in the General Assembly to a country or an intergovernmental

organization is not in conformity with existing procedures.

The Chinese delegation believes that if the General Assembly can accept China's constructive views, the draft agreement will be further improved.

The President: The Assembly will now take a decision on draft resolution A/58/L.68, entitled "Cooperation between the United Nations and the International Criminal Court".

May I take it that the Assembly decides to adopt draft resolution A/58/L.68?

Draft resolution A/58/L.68 was adopted (resolution 58/318).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 154?

It was so decided.

Agenda item 12 (*continued*)

Report of the Economic and Social Council

The President: Members will recall that the General Assembly, in its resolution 56/212 of 21 December 2001, requested the Secretary-General to follow up developments related to the implementation of the resolution based on the reports of the World Tourism Organization and to report to the Assembly at its fifty-ninth session.

It is my understanding that it would be preferable for the Assembly to consider the report at its sixtieth session.

May I take it that it is the wish of the General Assembly to do so?

It was so decided.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 12?

It was so decided.

Agenda item 17 (*continued*)

Appointments to fill vacancies in subsidiary organs and other appointments

(l) Confirmation of the appointment of the Secretary-General of the United Nations Conference on Trade and Development

The President: It is my understanding that it would be desirable to refer consideration of sub-item (i) of agenda item 17 to the fifty-ninth session of the General Assembly.

May I take it that it is the wish of the General Assembly to defer consideration of this sub-item and to include it in the draft agenda of the fifty-ninth session?

It was so decided.

The President: The Assembly has thus concluded its consideration of sub-item (i) of agenda item 17 and of agenda item 17 as a whole.

Agenda items 30, 31 and 33

Question of Cyprus

Armed aggression against the Democratic Republic of the Congo

The situation of democracy and human rights in Haiti

The President: Members will recall that, at its 2nd plenary meeting on 19 September 2003, the Assembly decided to include items 30, 31 and 33 in the agenda of the fifty-eighth session. Members will further recall that, in accordance with paragraph 4 (b) of the annex to its resolution 58/316 of 1 July 2004, the General Assembly decided that agenda items 30, 31 and 33 shall remain on the agenda for consideration upon notification by a Member State.

Accordingly, agenda items 30, 31 and 33 have been included in the draft agenda for the fifty-ninth session.

The Assembly has thus concluded its consideration of agenda items 30, 31 and 33.

Agenda item 57 (*continued*)

United Nations reform: measures and proposals

The President: Members will recall that, at its 2nd plenary meeting on 19 September 2003, the Assembly decided to include agenda item 57 in the agenda of the fifty-eighth session.

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 57?

It was so decided.

Agenda item 58 (*continued*)

Restructuring and revitalization of the United Nations in the economic, social and related fields

The President: Members will recall that, at its 2nd plenary meeting on 19 September 2003, the Assembly decided to include agenda item 58 in the agenda of the fifty-eighth session. Members will further recall that the General Assembly, in paragraph 4 (a) of the annex to resolution 58/316 of 1 July 2004, decided that agenda item 58 would be eliminated from the agenda.

The Assembly has thus concluded its consideration of agenda item 58.

Agenda item 123

Improving the financial situation of the United Nations

The President: Members will recall that, at its 2nd plenary meeting on 19 September 2003, the Assembly decided to include agenda item 123 in the agenda of the fifty-eighth session.

It is my understanding that it would be desirable to defer consideration of this item to the fifty-ninth session of the General Assembly.

May I take it that it is the wish of the General Assembly to defer consideration of this item and to include it in the draft agenda of its fifty-ninth session?

It was so decided.

The President: The Assembly has thus concluded its consideration of agenda item 123.

Agenda item 128

Administration of justice at the United Nations

The President: Members will recall that, at its 2nd plenary meeting on 19 September 2003, the Assembly decided to include agenda item 128 in the agenda of the fifty-eighth session.

Members will also recall that, at its 72nd plenary meeting, the General Assembly, on the recommendation of the Sixth Committee, adopted resolution 58/87.

May I take it that it is the wish of the General Assembly to include this item on the draft agenda of its fifty-ninth session?

It was so decided.

The President: The Assembly has thus concluded consideration of agenda item 128.

Agenda item 135

Financing of the United Nations Angola Verification Mission and the United Nations Observer Mission in Angola

The President: Members will recall that, at its 2nd plenary meeting on 19 September 2003, the Assembly decided to include agenda item 135 in the agenda of the fifty-eighth session.

It is my understanding that it would be desirable to defer consideration of this item to the fifty-ninth session of the General Assembly.

May I take it that it is the wish of the General Assembly to defer consideration of this item and to include it in the draft agenda of its fifty-ninth session?

It was so decided.

The President: The Assembly has thus concluded consideration of agenda item 135.

Agenda item 139

Financing of the United Nations Mission in East Timor

The President: Members will recall that, at its 2nd plenary meeting on 19 September 2003, the Assembly decided to include agenda item 139 in the agenda of the fifty-eighth session.

It is my understanding that it would be desirable to defer consideration of this item to the fifty-ninth session of the General Assembly.

May I take it that it is the wish of the General Assembly to defer consideration of that item and to include it in the draft agenda of the Assembly's fifty-ninth session?

It was so decided.

The President: The Assembly has thus concluded its consideration of agenda item 139.

Agenda items remaining for consideration during the fifty-eighth session of the General Assembly

The President: I should like to remind delegations that the following agenda items on which action has been taken at previous meetings have remained open for consideration during the fifty-eighth session of the General Assembly: items 10, 11, 18, 25, 28, 37, 38, 40, 44, 49, 50, 55, 59, 60, 83, 94, 117, 120, 122, 124, 125, 133, 156 and 161. As members are aware, those items — with the exception of item 25, entitled "University for Peace", item 120, entitled "Programme budget for the biennium 2002-2003", and item 161, entitled "Financing of the United Nations Mission in Côte d'Ivoire" — have been included in the provisional agenda of the fifty-ninth session of the General Assembly.

May I take it that it is the wish of the General Assembly to conclude its consideration of those items at the present session?

It was so decided.

Closing statement by the President

The President: I took up the presidency of the fifty-eighth session of the General Assembly one year ago, under no illusion about the enormity of the responsibility of the office and the task that was before me. At that time, the mood of the Assembly was sombre. The military action in Iraq and its aftermath, and the resultant crisis of confidence that threatened to engulf the United Nations, weighed heavily on the Assembly and indeed on the Organization as a whole.

Moreover, the situation in Iraq, although critical, was not the only issue with which the General Assembly was preoccupied. The Assembly was poised to review progress in meeting commitments made on financing for development and in combating the deadly HIV/AIDS pandemic. Assessments in those areas and on the progress made in advancing the United Nations development agenda generally, including the Millennium Development Goals, were less than encouraging. A clear message was being sent by Member States: the General Assembly had to do more to implement its Charter mandates, and targeted revitalization initiatives were essential to that process. There was general disquiet that a decade had gone by, and the initiative to reform the Security Council had yet to yield comprehensive results.

As President of the Assembly, I shared the determination of Member States that we not be deterred by those disturbing developments. My strong conviction was that the fifty-eighth session of the General Assembly should be an action-oriented one, and that Member States could work together with me for that purpose. I so stated in my opening address. I knew that realism, pragmatism and decisive action, together with optimism, were required, and looked beyond the challenges we faced to the significant opportunities they presented for the Assembly to assist the United Nations in living up to the ideals of the Charter. I declared the effective management of the Assembly as an unequivocal commitment and as an essential element of undertaking to help our United Nations meet its goals and objectives.

I think it fair to say that today the Assembly's outlook is decidedly more positive, and rightly so. Member States can clearly identify, within the priorities set for my presidency — development, revitalization and reform; and peace and security — the issues they deemed to be of critical concern to the Assembly. I am honoured that Member States have given their full support to my presidency and to Saint Lucia's leadership, supported by the Governments of the Caribbean Community (CARICOM), in guiding the work of the General Assembly. Due in large measure to the cooperation and activism of the membership, the fifty-eighth session has noteworthy accomplishments to its credit.

Multilateralism, beyond doubt, underpinned my presidency, and was the basis on which decisions were made on the wide range of issues on the agenda of the Assembly. That was how it ought to be, since pressing global challenges, including poverty and hunger, debt, fair trade, sustainable development, deadly diseases such as HIV/AIDS, nuclear proliferation, terrorism and

organized crime, are not North or South, developed or developing country issues. They are global challenges requiring multilateral cooperation for their solution. In the fifty-eighth session, therefore, we gave the negotiating table a central role in our management of the Assembly's affairs.

We thought it important that Member States should have an overview of the discussions on pertinent issues, to enable the Assembly to take guidance from heads of State or Government and other high-level participants, and to identify points of convergence to inform the outcomes of critical aspects of its work. I therefore took the initiative to summarize the deliberations of the general debate, setting out cogently the positions Governments took on the broad spectrum of issues, from the Millennium Development Goals to globalization and trade liberalization; from revitalization of the General Assembly to reform of the Security Council; and from Iraq to the situation in the Middle East.

I am appreciative of the support the Secretary-General gave to me and to the Assembly in carrying out the important work we do on behalf of the world's people. His report on the work of the Organization helps set the foundation for the work of the session. I therefore presented a summary of that report, as well as a summary of the report of the Security Council, to the Assembly. The Assembly had earlier decided that the Security Council's report should be summed up, to determine if there were issues the Assembly wished to bring to the attention of the Council. I was pleased that mine was the presidency that took the initiative to implement that decision of the Assembly. We did in fact make summing up debates, formal and informal, a practice during my presidency, a practice Member States indicated that they highly valued.

The Charter of the United Nations gave the Organization a key role in improving the standard of life of the world's people. In keeping with that ideal, Member States gave clear indication that development should be brought back to centre stage on the Assembly's agenda. Taking into account the numerous challenges developing countries face — particularly in critical areas such as aid, trade and debt — sustainable development commanded significant focus during this session.

I am pleased with the gains the Assembly made in its development initiatives. Some 16 heads of State or Government participated in the high-level plenary meetings on HIV/AIDS, convened less than one week into the session. Their presence underscored, at the highest level, the determination of the membership to halt and reverse this most serious of threats to humanity and to the development goals of States, particularly in the developing world.

The High-level Dialogue on Financing for Development, also convened early in the session, gave considerable impetus to sustainable development initiatives. Although the news from the Dialogue was not good, the Dialogue played an invaluable role in efforts to put issues of financing for development back on track. In the context of the High-level Dialogue, we placed issues such as commodities, international cooperation in tax matters and the role of the business and private sector in sustainable development under close scrutiny in interactive discussions. The findings are available to inform policy choices at the national, regional and international levels. They also help to determine the partnerships required to implement the commitments made at the 2002 International Conference on Financing for Development and in other development efforts.

The presidency continued to take this more inclusive and interactive approach to the Assembly's examination of sustainable development issues, using primarily consultations, briefings and panel discussions, including within the framework of the Assembly's General Committee. Many developing countries are facing some of the greatest challenges to their development, particularly in respect of globalization and trade liberalization. We were therefore judicious in consultations and briefing meetings convened under the auspices of the President to select topics of particular concern to these countries, and to carry forward key initiatives, such as the High-level Plenary to be convened in 2005 to follow-up implementation of the outcomes of a decade of summits and conferences in the economic and social fields.

We were honoured, in that regard, that our invitations to Uganda's President Museveni to address the commodities issue; to Joseph Stiglitz, Nobel Prize laureate in economics, to address the issue of trade and development; and to Rubens Ricupero, Secretary-General of the United Nations Conference on Trade and Development (UNCTAD), to address issues pertaining to the convening of UNCTAD XI, were

accepted. In the General Committee, Under-Secretary-General Gambari brought us up to date on initiatives to advance the New Partnership for Africa's Development. The general feedback on this and all our interactive briefings, including on the topics for discussion, was very positive.

My presidency was one that ensured that the General Assembly broke free of convention in challenging times that demand new ideas, vision and innovation. It was my considered view that an event as pivotal as the commemoration of the genocide in Rwanda should be one for innovation across the principle organs of the United Nations — the General Assembly and the Security Council. I was pleased that the Permanent Representative of Germany, then serving as the Council's President, accepted my invitation, in his personal capacity, to co-chair the Commemoration with me. Perhaps in the future, cooperation on another significant event will find favour with the Security Council.

Informal briefings on matters of peace and security are not usually convened by the General Assembly. My presidency did not regard this as a bar to holding such a briefing on the situation in Haiti. We were encouraged by the positive response to the informal briefing and are appreciative to Under-Secretary-General Prendergast for his lucid and cogent presentation on that occasion.

Also in the area of peace and Security, the General Assembly four times played the role envisaged for it in the "Uniting for Peace" resolution, reconvening in emergency special session on Palestine when a veto by a permanent member of the Security Council did not permit action to be taken by the Security Council.

My presidency perceived, in the serious concern repeatedly expressed that the oxygen had been sucked out of the General Assembly in the wake of the military action in Iraq and the focus of world attention on the Security Council, a genuine readiness in Member States to act in respect of revitalization of the General Assembly. This gave impetus to our initiative to take specific and tangible steps to advance the process of revitalization. This matter was far more complicated than it appeared on the face of it.

My presidency has been commended widely for its accomplishments in the revitalization of the work of the General Assembly. I accept this gracious commendation on behalf of all who worked tirelessly for the consensus adoption of two resolutions — 58/126 and 58/316 — recognized as the most far-reaching actions the Assembly has taken in more than a decade. The guiding principle of these resolutions is straightforward: The General Assembly's authority and role should be enhanced and its working methods should be improved.

Already the results of the initiative are evident in the transition office provided to the President-elect of the General Assembly at its fifty-ninth session and in the staff provided to his Office. Scope has been given to the President to propose issues on which pronouncements might be made in the general debate, as well as to initiate more interactive debates — an important opportunity to provide leadership on topical issues on the Assembly's agenda.

The President of the Security Council now briefs the President of the General Assembly on the Council's work, although greater effort will have to be made to institutionalize this process. Two meetings have already taken place between the Presidents of the General Assembly, the Security Council and the Economic and Social Council. The continued development of this mechanism, which has value as a means of increasing cooperation, coordination and complementarity in the work of the three bodies, will make a substantive contribution to efforts within the United Nations for greater coherence.

In advancing the revitalization initiative we have not shied away from the tough issues: the Assembly's more than 333-item agenda, the extensive volume of its documentation and the significant number of resolutions it adopts. Action has already been taken to make the agenda more accessible and comprehensible by organizing it around broad themes based on the United Nations medium-term plan. Further rationalization of the agenda has also been initiated, particularly in respect of the agenda of the plenary. The revitalization resolutions also point the way forward in respect of documentation, as well as resolutions, which the Assembly has determined should be more concise and focused.

Our revitalization efforts have permitted the Assembly to put other United Nations mechanisms, including the General Committee, to good use. Reform of the General Committee is called for as part of the revitalization exercise. There can be no doubt that this

process is well under way. The General Committee, meeting in informal sessions, was the forum for discussion of most of the revitalization reports and its conclusions were incorporated in revitalization resolutions. As Member States continue to consider the reform of the General Committee, I do hope that its scope for providing greater support to the work of the Assembly will be explored.

My presidency has been diligent in designing an effective framework to sustain the drive to revitalize the General Assembly. The proposal to convene the General Assembly over two substantive periods of the session is one of the issues that has been set aside for discussion in this framework during the fifty-ninth session of the General Assembly. Throughout, we have kept our proposals and expectations pragmatic and realistic. It is clear, however, that if we are to continue on a meaningful revitalization path — and we must — greater confidence would be needed on all sides so that issues of importance to some countries are not sidelined at the expense of issues of interest to more powerful and influential countries, all in the name of revitalization. Work must also continue to be done to ensure that the General Assembly can better react to immediate events, such as the situations in Iraq and Haiti.

Notwithstanding scepticism, complexities and ambiguities surrounding Security Council reform, my presidency reacted to the genuine, if cautious, willingness we perceived among most Member States to proceed. Our firmly held view was that other means for generating meaningful discussion on Council reform were worth exploring, to bring this matter out of its 10-year paralysis. As a result, the Open-ended Working Group on Reform of the Security Council held frank and open discussions on our initiatives to address separately six important topics relating to Security Council reform, including the use of the veto.

But can our discussions, insightful as they have been, lead to policy decisions on reform of the Security Council? Can more be done to reform the Council, to ensure that, when it sounds alarm bells, the Organization immediately rises to the challenge to bring peace and security to a country or region troubled by conflict and war? There is considerable optimism that the Security Council reform efforts of the Open-ended Working Group will receive a boost from the Secretary-General's High-Level Panel on Threats, Challenges and Change when it reports in December 2004.

Given the collective expertise and experience of the Panel, its report will no doubt be a good one. What is realistic and feasible, however, is defined not by reports, but by what Member States do with reports. The Assembly must either act on the recommendations of the report or take its own decisions on the matter of Security Council reform, or reform will continue to evade us. I stand firm in my opinion that the Security Council can be reformed, but that compromises are critical. I believe there was a glimmer of compromise in the Open-ended Working Group. Can that glimmer become the bright light of Security Council reform? These matters are in your hands: in the hands of Member States.

Let me now turn to cooperation with the Secretariat. Our efforts for revitalization of the General Assembly and reform of the Security Council have been and continue to be focused primarily within and between the intergovernmental bodies. The experience of my presidency is that it would be important at this juncture to examine the relationship between the Secretariat and the General Assembly, including the Office of the President. I would encourage Member States themselves, both inside and outside the United Nations, to examine the priority that should be accorded to supporting the Office of the President.

The limited attention that the work of the General Assembly attracts from the media, and the limited public awareness of the work of the Assembly generally, are continuing concerns. My presidency has taken up advocacy of the General Assembly — and indeed of the United Nations — as a special undertaking. We have ensured, through the revitalization initiative, that a strategy has been devised by the Department of Public Information to publicize the Assembly's work.

We have also taken every opportunity to ourselves publicize the work of the Assembly, and indeed of the United Nations, the world's premier multilateral Organization. We have done so on official visits to Member States and through our participation in important international meetings such as the eleventh session of the United Nations Conference on Trade and Development (UNCTAD XI), held in Brazil in June of this year, and the Inter-Regional Preparatory Meeting for the January 2005 International Meeting to

Review the Implementation of the Barbados Programme of Action for the Sustainable Development of Small Island Developing States, held in Nassau in January 2004. We have done so in meetings of other international organizations such as the Organization of American States and the Commonwealth, academic and other institutions and parliamentary forums and in the helpful relationship we have developed with civil society, including non-governmental organizations and the business and private sectors.

My presidency has made a determined effort to involve the largest possible number of Member States in the work of the fifty-eighth session. Let me here recognize the permanent representatives who graciously accepted my invitation to act as facilitators on a broad range of issues. Our initiatives on revitalization of the General Assembly, reform of the Security Council, humanitarian affairs, the forthcoming 2005 high-level plenary meeting, HIV/AIDS, children and the conferring of United Nations observer status, were all facilitated. I thank the facilitators, on members' behalf and on my own account, for their cooperation with the presidency and the Assembly, and for the exceptional service they rendered.

Let me also take this opportunity to thank Under-Secretary-General Chen and, in particular, the team in the General Assembly and Economic and Social Council Affairs Division of the Department for General Assembly and Conference Management, led by Ms. Peggy Kelley, for the excellent cooperation we have received. That team has indeed been our partner in our endeavours to provide leadership and to efficiently manage the General Assembly. I commend them for their exemplary efforts.

With the election of my successor, His Excellency Mr. Jean Ping, Minister of State, Foreign Affairs, Cooperation and la Francophonie of the Gabonese Republic, the General Assembly has, for the third time, elected a President three months in advance of the session over which the President will preside. It has been a priority for my presidency to ensure the smooth, seamless transition between presidencies that the General Assembly envisaged. President-elect Ping and I have met for an exchange of views on the presidency. My Cabinet has extensively briefed the incoming Cabinet. Together with the Department for General Assembly and Conference Management, we have prepared briefing documents that include the specific responsibilities that will fall to the President of the Assembly at its fifty-ninth session by virtue of mandates emanating from the General Assembly. Over the transition period, we have been available to assist.

As I prepare to bring the fifty-eighth session of the General Assembly to a close, I am mindful that the accomplishments of the Assembly are not measured by the successes of one session. Keeping in step with the ideals of the United Nations Charter requires continuous effort. I am heartened that I leave a General Assembly with a more positive outlook. Our accomplishments over the course of the fifty-eighth session prove what we can achieve when we work together, cooperatively, with a clear sense of purpose underpinned by political will.

I thank you, the States members of the Assembly, for the confidence you have placed in me. I thank you for your cooperation and kindness. I commend you for your efforts and for the noteworthy gains the Assembly has made. Most of all, I thank you for your efforts on behalf of the world's people. And now, having brought the ship to safe harbour, I hand over to the new captain — and here I take the liberty of saying, "It is so decided".

Minute of silent prayer or meditation

The President: We are now coming to the end of the fifty-eighth regular session of the General Assembly. May I invite representatives to stand and observe one minute of silent prayer or meditation.

The members of the General Assembly observed a minute of silent prayer or meditation.

Closure of the fifty-eighth session

The President: I declare closed the fifty-eighth session of the General Assembly and invite us all to give ourselves a round of applause.

The meeting rose at 4.40 p.m.